

**EQC ENFORCEMENT REPORT
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
AUGUST 11, 2005**

BUREAU OF LAND AND WASTE MANAGEMENT

UST Enforcement

- 1) Order Type and Number: Administrative Order 04-0443-UST
 Order Date: March 30, 2005
 Respondent: **Wilson Creek Logging & Timber
Co., Inc.**
 Facility: Forks Country Store
 Location/Mailing Address: 6830 Hwy 187 South
 Iva, SC 29655
 County: Anderson
 Previous Orders: AO 03-01357-UST (\$3,000)
 Permit/ID Number: 18592
 Violations Cited: UST Control Regulations, R.61-92,
 §280.93(a); R.61-92, §280.110(c).

Summary: Wilson Creek Logging & Timber, Company, Inc. owns and operates one underground storage tank located at 6830 Highway 187 South in Iva, South Carolina. The Respondent has violated the South Carolina Underground Storage Tank Control Regulations as follows: failure to demonstrate financial responsibility and failure to supply financial responsibility documentation to the Department upon request.

Action: The Department issued an Administrative Order with a civil penalty of four thousand eight hundred dollars **(\$4,800.00)** when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance by providing the financial responsibility documentation. The Administrative Order was not appealed.

Hazardous Waste Enforcement

- 2) Order Type and Number: Consent Order 05-12-HW
 Order Date: June 21, 2005
 Respondent: **Tidewater Transfer Company, Inc.**
 Facility: Tidewater Transfer Company, Inc.
 Location/Mailing Address: 6174 Highway 70 West
 Kinston, N.C. 28502
 County: Dorchester
 Previous Orders: None
 Permit/ID Number: NCD 003 458 643

Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulations 61-79.263.10(g)

Summary: Tidewater Transfer Company, Inc. (Respondent), located in Kinston, North Carolina, is a hazardous waste transporter. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to obtain a permit from the Department prior to transporting hazardous waste in the State of South Carolina.

Action: The Respondent has agreed to: ensure compliance with the requirements applicable to Hazardous Waste Transporters included in 25 S.C. Regs. 61-79.263; and, pay a civil penalty in the amount of two hundred fifty dollars **(\$250.00)**.

3) Order Type and Number: Consent Order 05-13-HW
Order Date: June 21, 2005
Respondent: **Fukoku South Carolina, Inc.**
Facility: Fukoku South Carolina, Inc.
Location/Mailing Address: 325 Hunter Industrial Park Road
Laurens, S.C. 29360
County: Laurens
Previous Orders: None
Permit/ID Number: SCR 000 764 985
Violations Cited: The South Carolina Hazardous Waste Management Act §44-56-130(2) and the South Carolina Hazardous Waste Management Regulations 61-79.262.34(a)(2), R.61-79.262.34(c)(1)(ii), R.61-79.262.34(d)(5)(ii), R.61-79.262.44(b), R.61-79.265.15(d), R.61-79.265.31, R.61-79.265.173(a)(c)(d), and R.61-79.265.174

Summary: Fukoku South Carolina, Inc. (Respondent), located in Laurens, South Carolina, manufactures rubber and plastic products for the automotive industry. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to label containers holding hazardous waste with an accumulation start date; failure to mark containers of hazardous waste either with the words "Hazardous Waste" or with other words that identify the contents of the container; failure to post the names and the phone numbers for the emergency coordinators, the location of emergency equipment, and the phone number for the fire department next to the telephone; failure to declare generator status annually on or before January 31; failure to record hazardous waste inspections in an inspection log or summary; failure to maintain and operate the facility to minimize the possibility of any unplanned or sudden releases to the air, soil or surface water; failure to close all containers holding hazardous waste except when necessary to add or remove waste; failure to label containers of hazardous waste with the words "Hazardous Waste – federal laws prohibit

improper disposal;” failure to label containers of hazardous waste with the appropriate EPA Hazardous Waste Number(s); and, failure to inspect hazardous waste containers weekly.

Action: The Respondent has agreed to: ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that weekly inspections are recorded in an inspection log or summary; ensure that the facility operates and complies with the requirements of R.61-79.265 Subpart C – Preparedness and Prevention; ensure that all emergency information is posted next to the telephone; declare generator status annually on or before January 31; and, pay a civil penalty in the amount of thirteen thousand, five hundred dollars **(\$13,500.00)**. The penalty will be paid in four (4) payments.

Solid Waste Enforcement

4) Order Type and Number: Consent Order 05-04-RW
Order Date: June 23, 2005
Respondent: **Entergy Nuclear Northeast**
Facility: Indian Point 2, L.L.C.
Location/Mailing Address: 450 Broadway
Buchanan, NY 10511-0308
County: Buchanan, NY
Previous Orders: None
Permit/ID Number: 0019-31-05-X
Violations Cited: South Carolina Radioactive Waste Transportation and Disposal Act of 1976 (Act), Transportation of Radioactive Waste Regulation 61-83 (Regulation), Section 1.2; S.C. Radioactive Material License # 097 (License), Amendment # 48, Condition 61.

Summary: Entergy Nuclear Northeast/Indian Point 2, L.L.C., a nuclear power plant, (Company) failed to package a shipment of radioactive waste to the Chem-Nuclear disposal facility in Barnwell, South Carolina, in a manner that would prevent the release of radioactive waste into the shipping container. This constitutes a violation of the Regulation and the License.

Action: The Company agreed to submit corrective action measures to the Department and to pay a civil penalty of one thousand dollars **(\$1,000.00)** by no later than July 29, 2005. The civil penalty has been paid.

BUREAU OF WATER

Drinking Water Enforcement

- 5) Order Type and Number: Consent Order 05-056-DW
 Order Date: June 3, 2005
 Respondent: **Kingston Cove Owners Assoc., Inc.**
 Facility: Kingston Cove Swimming Pool
 Location/Mailing Address: 11 Kingston Cove
 Hilton Head Island, S.C. 29928

 County: Beaufort
 Previous Orders: None
 Permit/ID Number: 07-177-B
 Violations Cited: S.C. Code Ann. Regs. 61-51(I)(1),
 S.C. Code Ann § 44-55-2340 (A),

Summary: Kingston Cove Owners Assoc., Inc. (Respondent) is responsible for the operation and maintenance of a public swimming pool. The Respondent has violated the Public Swimming Pool Regulations as follows: failure to submit the required Change Order Request for decking repairs prior to beginning the work.

Action: The Respondent has agreed to: operate and maintain the public swimming pool in accordance with all applicable State laws and regulations and pay a civil penalty in the amount of one hundred fifty dollars (**\$150.00**). The civil penalty has been paid.

- 6) Order Type and Number: Consent Order 05-065-DW
 Order Date: June 3, 2005
 Respondent: **Donald Curles**
 Facility: Milhouse Rentals Public Water
 System (PWS)
 Location/Mailing Address: 406 Zion Church Rd.
 Orangeburg, S.C. 29115

 County: Orangeburg
 Previous Orders: None
 Permit/ID Number: 3850002
 Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Donald Curles (Respondent) d/b/a Milhouse Rentals is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all deficiencies from the 2002 and 2004 Sanitary Surveys or disconnect the system; and pay a **stipulated penalty** in the amount of four thousand dollars **(\$4,000.00)** if he fails to meet any requirement of this Order.

- 7) Order Type and Number: Consent Order 05-068-DW
 Order Date: June 16, 2005
 Respondent: **Samuel Byson Jr.**
 Facility: Whale Branch Mobile Home Park
 (MHP)
 Location/Mailing Address: 49 Seabrook Rd.
 Seabrook, S.C. 29940
 County: Beaufort
 Previous Orders: None
 Permit/ID Number: 0760071
 Violations Cited: S.C. Code Ann. Regs. 61-58.7
 (E)(1), S.C. Code Ann §§ 44-55-40 (D), and 44-55-90 (B)

Summary: Samuel Byson Jr. (Respondent) d/b/a Whale Branch MHP is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to properly operate and maintain the PWS and failure to have a licensed distribution operator.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; correct all deficiencies from the January 19, 2005 Sanitary Survey; and pay a **stipulated penalty** in the amount of three thousand six hundred dollars **(\$3,600.00)** if he fails to meet any requirement of this Order.

- 8) Order Type and Number: Consent Order 05-072-DW
 Order Date: June 22, 2005
 Respondent: **Town of Branchville**
 Facility: Town of Branchville
 Location/Mailing Address: P.O. Box 85
 Branchville, S.C. 29432
 County: Orangeburg
 Previous Orders: 05-004-DW (\$2,800); 01-073-W
 (\$5,600); 03-175-W (AO \$2,000);
 04-093-DW (\$400)
 Permit ID/Number: 3810005
 Violations Cited: S.C. Code Ann. Regs. 61-58.11(H),
 S.C. Code Ann. §§ 44-55-90, 49-5-90(A), 49-5-120

Summary: The Town of Branchville (Respondent) is responsible for the operation and maintenance of a PWS. The Respondent has violated the State Primary Drinking Water Regulations as follows: failure to conduct lead and copper monitoring for 2 consecutive monitoring periods and failure to submit a Water Use Report for 2004.

Action: The Respondent has agreed to: operate and maintain the PWS in accordance with all applicable State and Federal laws and regulations; submit public notice for failure to monitor for lead and copper; conduct lead and copper monitoring by September 30, 2005; and pay a civil penalty in the amount of one thousand six hundred eighty dollars **(\$1,680.00)**

9) <u>Order Type and Number:</u>	Consent Order 05-074-DW
<u>Order Date:</u>	June 27, 2005
<u>Respondent:</u>	Lady's Island Country Club, LLC
<u>Facility:</u>	Lady's Island Country Club
<u>Location/Mailing Address:</u>	139 Francis Marion Circle Beaufort, S.C. 29902
<u>County:</u>	Beaufort
<u>Previous Orders:</u>	04-119-DW (\$800)
<u>Permit/ID Number:</u>	07GC017
<u>Violations Cited:</u>	S.C. Code Ann. §§ 49-5-120(C), 49-5-100(A), 49-5-90(A)

Summary: Lady's Island Country Club, LLC (Respondent) owns and is responsible for the operation and maintenance of a permitted groundwater withdrawal system located at Lady's Island Country Club. The Respondent has violated the Groundwater Use and Reporting Act as follows: failure to apply for and obtain a Permit to Construct for an irrigation well in a designated capacity use area; failure to submit the Water Use Report form; and exceedance of permitted groundwater withdrawal limits during the 2004 monitoring period.

Action: The Respondent has agreed to: operate and maintain the groundwater wells in accordance with all applicable State and Federal laws and regulations; have the unpermitted well properly abandoned by a licensed well driller and submit a well log close-out form; install hour meters or totalizing flow meters on all groundwater sources used for golf course irrigation and keep a monthly log of withdrawals for the wells; secure all wells not currently in use with properly fitted caps; and pay a civil penalty in the amount of two thousand three hundred eighty dollars **(\$2,380.00)**.

Water Pollution Enforcement

- 10) Order Type and Number: Consent Order 05-064-W
Order Date: June 3, 2005
Respondent: **Harbor Gate Co-Owners Council, Inc.**
Facility: Harbor Gate Condominiums
Wastewater Treatment Facility (WWTF)
Location/Mailing Address: P.O. Box 650
Anderson, S.C. 29622-0650
County: Anderson
Previous Orders: None
Permit/ID Number: SC0021849
Violations Cited: S.C. Code Ann. § 48-1-110(d)
(Supp.2004), 24 S.C. Ann. Regs. 61-9.122.47(e) and 61-9.122.41(j)(3)
(Supp. 2004)

Summary: Harbor Gate Co-Owners Council, Incorporated (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving the residents of the Harbor Gate Condominium complex located on Highway #24 adjacent to double bridges on Lake Hartwell. The Respondent has violated the Pollution Control Act and associated regulations as follows: failure to submit plans, specifications and an administratively complete application for a permit to construct upgrades necessary to insure compliance with more stringent effluent discharge limits for ammonia-nitrogen (NH₃-N) and total residual chlorine (TRC) and failure to submit administratively complete discharge monitoring reports (DMRs) for the December 2003, January 2004 and June 2004 monitoring periods.

Action: The Respondent has agreed to: submit a preliminary engineering report (PER) addressing the elimination of the discharge by connecting to Anderson County. The PER must also include a letter of acceptance from Anderson County agreeing to accept the flow from the Respondent's WWTF, an administratively complete closure plan, and a schedule for the construction of all appurtenances required to eliminate the discharge. The schedule, upon Department approval, shall be incorporated into and become an enforceable part of the Order. The Department has **suspended** a penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**) that will be due and payable should the Respondent fail to meet any requirement of this Order.

- 11) Order Type and Number: Consent Order 05-067-W
Order Date: June 3, 2005
Respondent: **SCDOT and Morgan Corporation**
Facility: USC-Spartanburg
Location/Mailing Address: P.O. Box 191

Columbia, S.C. 29202
County: Spartanburg
Previous Orders: 03-203-W (\$11,200), 04-178-W (\$1,000), 05-028-W (\$9,800)
Permit/ID Number: SCR107580
Violations Cited: 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e)(1) (Supp. 2004).

Summary: South Carolina Department of Transportation (SCDOT) and Morgan Corporation (Respondents) are responsible for the construction activities at the new University of South Carolina (USC)-Spartanburg North Access Road Project (Site). The Respondent has violated the Water Pollution Control Permit Regulations as follows: failure to operate and maintain all sediment and erosion control measures as required.

Action: The Respondent has agreed to: submit a report completed by a South Carolina Registered Professional Engineer certifying that all sediment and erosion control devices are installed and functioning properly as specified by the approved sediment and erosion control plan and pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**).

12) Order Type and Number: Consent Order 05-069-W
Order Date: June 22, 2005
Respondent: **Aiken County Public Schools**
Facility: Mossy Creek Elementary School
Location/Mailing Address: 1000 Brookhaven Drive
Aiken, S.C. 29803
County: Aiken
Previous Orders: 03-064-W (\$4,200)
Permit/ID Number: SCR107362
Violations Cited: S.C. Code Ann. § 48-1-90(a)(1987),
24 S.C. Ann. Regs. 61-9.122.26(b)(14)(X) and 122.41(a)(Supp. 2004)

Summary: Aiken County Public Schools (Respondent) owns and is responsible for development and construction activity at the Mossy Creek Elementary School (Site) at the N.E. corner of Five Notch Road and Scott Drive. The Respondent has violated the Pollution Control Act and associated regulations as follows: failure to comply with the requirements of the permit to provide adequate sediment and erosion controls and discharged sediment into waters of the State.

Action: The Respondent has agreed to: submit a report completed by a South Carolina Registered Professional Engineer, certifying that implementation of the necessary storm water and sediment control devices have been installed and are functioning properly and pay a civil penalty in the amount of eleven thousand two hundred dollars (**\$11,200.00**).

- 13) Order Type and Number: Consent Order 05-070-W
 Order Date: June 27, 2005
 Respondent: **Mohawk Industries, Inc.**
 Facility: Ulmer Plant
 Location/Mailing Address: P.O. Box 98
 Ulmer, S.C. 29849
 County: Allendale
 Previous Orders: None
 Permit/ID Number: SC0004073
 Violations Cited: S.C. Code Ann. § 48-1-110(d) and 24
 S.C. Code Ann. Regs. 61-9.122.41(d) (Supp. 2004)

Summary: Mohawk Industries, Inc./Ulmer Plant (Respondent) is responsible for the operation and maintenance of a WWTF serving its textile manufacturing facility. The Respondent has violated the Pollution Control Act and associated regulations as follows: failure to comply with the effluent limits for fecal coliform.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations; repair any control devices upon becoming aware of the disrepair; and pay a civil penalty in the amount of four thousand two hundred dollars (**\$4,200.00**). The civil penalty has been paid.

- 14) Order Type and Number: Emergency Order 05-073-W
 Order Date: June 23, 2005
 Respondent: **River Pines Water System, Inc.**
 Facility: Woodforest Subdivision WWTF
 Location/Mailing Address: P.O. Box 22023
 Charleston, S.C. 29413
 County: York
 Previous Orders: 05-063-W (\$35,000)
 Permit/ID Number: SC0035661
 Violations Cited: S.C. Code Ann. §§ 48-1-90, 48-1-110(d) (Supp. 2004), 24 S.C. Code Ann. Regs. 61-9.122.41 (a) and (e) (Supp. 2004), 61-46.1 (g)(1976), 61-56.III (A)(1976) and S.C. Code of Laws § 44-1-140 (2002)

Summary: River Pines Water System, Inc. (Respondent) owns and operates a WWTF and wastewater collection system (WWCS) serving the residences in the Woodforest Subdivision. The Respondent has violated the Pollution Control Act and the Water Pollution Control Permit Regulations as follows: operating the facility without a S.C. certified operator; did not have an S.C. approved laboratory to analyze all permitted requirements; no chlorine was at the facility for the disinfection of the effluent; and discharged untreated wastewater into the receiving stream at the subdivision.

Action: This Emergency Order (EO) was issued because of the imminent threat to human health and the environment. The EO required the Respondent to immediately hire a S.C. certified operator of appropriate grade, deliver to the Department a notarized statement from the hired operator that a satisfactory financial relationship had been entered into; and to begin and continue to properly operate and maintain its WWTF and WWCS in accordance with NPDES Permit and all applicable State and Federal regulations.

- 15) Order Type and Number: Consent Order 05-078-W
 Order Date: June 28, 2005
 Respondent: **Hallmark, Inc. of Rock Hill**
 Facility: Hallmark Glenn Subdivision
 Location/Mailing Address: 2430 Ridgeway Lane
 Rock Hill, S.C. 29732

 County: York
 Previous Orders: None
 Permit/ID Number: SCR100000 (Cert# SCR104209)
 Violations Cited: S.C. Code Ann. § 48-1-110(d)
 (Supp. 2004) and 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e) (Supp.
 2004)

Summary: Hallmark, Inc. of Rock Hill (Respondent) owns and is responsible for the proper operation and maintenance of a permanent storm water retention basin serving the Hallmark Glenn Subdivision. The Respondent has violated the Pollution Control Act and Water Pollution Control Permit Regulations as follows: failed to properly operate and maintain the storm water retention basin.

Action: The Respondent has agreed to: comply with all applicable State and Federal regulations and pay a civil penalty in the amount of six thousand eight hundred dollars (\$6,800.00) in quarterly installments.

BUREAU OF AIR QUALITY

- 16) Order Type and Number: Consent Order 05-029-A
 Order Date: June 20, 2005
 Respondent: **Holcim (US) Inc.**
 Facility: Holcim (US) Inc.
 Location/Mailing Address: P.O. Box 1896, Georgetown, SC
 29442

 County: Georgetown
 Previous Orders: None
 Permit/ID Number: 1140-0039
 Violations Cited: S.C. Code Ann. § 48-1-110(d)

Summary: Holcim (US) Inc. (Respondent) operates a Portland cement distribution terminal (cement unloading/loading operation) located at Pier 31 of the South Carolina State Ports Authority at Georgetown, South Carolina. The Respondent violated requirements of its permit as follows: failure to record pressure drop readings for its baghouse; failure to notify the Waccamaw EQC District Office as soon as the date of arrival for each marine vessel had been confirmed; commencement of cement unloading/loading operations prior to contacting the Waccamaw EQC District Office; and failure to provide notification to the Waccamaw EQC District Office at least 24 hours prior to commencement of cement unloading/loading of each marine vessel.

Action: Respondent has agreed to: record pressure drop readings for its baghouses; notify the Waccamaw EQC District Office as soon as the date of arrival for each marine vessel has been confirmed; not commence cement unloading/loading operations until the Waccamaw EQC District Office has been contacted; provide notification to the Waccamaw EQC District Office at least 24 hours prior to commencement of cement unloading/loading of each marine vessel; and pay a civil penalty in the amount of three thousand five hundred dollars (**\$3,500.00**). The penalty has been paid.

17) <u>Order Type and Number:</u>	Consent Order 05-030-A
<u>Order Date:</u>	June 20, 2005
<u>Respondent:</u>	Trident Construction Co., Inc. of Charleston
<u>Facility:</u>	Trident Construction Co., Inc. of Charleston
<u>Location/Mailing Address:</u>	2245 Technical Parkway N. Charleston, South Carolina 29406
<u>County:</u>	Dorchester
<u>Previous Orders:</u>	02-27-HW (\$4,350)
<u>Permit/ID Number:</u>	N0503054
<u>Violations Cited:</u>	U.S. EPA 40 CFR 61.145 (b), <u>Standard for Demolition and Renovation</u> , and South Carolina Air Pollution Control Regulation 61-86.1, Section XIII.B.1.a, <u>Standards For Demolitions</u>

Summary: Trident Construction Co., Inc. of Charleston (Respondent), located in N. Charleston, South Carolina, is a general contractor. The Respondent violated Federal and State asbestos regulations as follows: failed to provide written notification to the Department ten (10) working days prior to commencing demolition activities, and failed to obtain a demolition project license prior to commencing demolition activity.

Action: The Respondent has agreed to: submit all required notifications and obtain all required licenses prior to commencing demolition activity, in accordance with Federal and State asbestos regulations, and within thirty (30) days of the execution of this Order, pay to the Department a civil penalty in the amount of one thousand five hundred dollars (**\$1,500.00**). The penalty has been paid.